

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Melanie R. Hall, Barry Washington,

Plaintiffs,

vs.

United States of America and Beaufort Memorial
Hospital,

Defendants.


Civil Action No.: 2:06-750-CWH

ORDER

This matter is before the Court on the United States' motion to dismiss for failure to file an administrative claim. The plaintiffs brought this medical malpractice action against Claude Tolbert, M.D., Beaufort Memorial Hospital, and Beaufort-Jasper Hampton Comprehensive Health Services, Inc. On March 15, 2006, the Court substituted the United States for the defendants Claude Tolbert, M.D. and Beaufort-Jasper Hampton Comprehensive Health Services, Inc., who acted within the scope of their employment with the United States within the meaning of 42 U.S.C. §233. On March 23, 2006, the United States filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(1) for failure to file an administrative claim pursuant to 28 U.S.C. §§ 2401, 2672, and 2675. The plaintiffs do not oppose the motion. The plaintiffs' claim against the United States is therefore dismissed without prejudice for failure to file an administrative claim.

AND IT IS SO ORDERED.

July 19, 2006
Charleston, South Carolina


C. WESTON HOUCK
UNITED STATES DISTRICT JUDGE